



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Branch (1145)
CEPOA-CO-R-EJ
Juneau Regulatory Field Office
8800 Glacier Highway, Suite 106
Juneau, Alaska 99801-8079

PUBLIC NOTICE DATE: January 18, 2007

EXPIRATION DATE: February 20, 2007

REFERENCE NUMBER: POA-2006-1979-2

WATERWAY: Gastineau Channel

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plan.

APPLICANT: Alaska Marine Lines, Incorporated (AML), 100 Mount Roberts Street, Juneau, Alaska 99801-7700.

AGENT: Mr. Tom Mortensen, Post Office Box 113192, Anchorage, Alaska 99511-3192, telephone (907) 345-57898.

LOCATION: The proposed dredging project is located in Gastineau Channel in the SE $\frac{1}{4}$, NW $\frac{1}{4}$ of Section 25, T. 41 S., R. 67 E., Copper River Meridian; Latitude 58.265° N., Longitude 134.388° W., Juneau B-2 Alaska Quadrangle; adjacent to the AML Dock, Rock Dump Site in Juneau, Alaska. The proposed dredging disposal site is located in Gastineau Channel in the SW $\frac{1}{4}$, NW $\frac{1}{4}$ of Section 31, T. 41 S., R. 68 E., Copper River Meridian; Latitude 58.273° N., Longitude 134.364° W., Juneau B-2 Alaska Quadrangle.

PURPOSE: The purpose of the proposed dredging is to remove accumulated sediment to improve and maintain commercial marine navigational use of the docking area adjacent to the AML dock, and to prevent grounding of docked marine vessels during low tidal periods.

WORK: The applicant proposes to dredge and discharge dredged material in navigable (tidal) waters of the United States:

- a. The applicant is proposing to dredge approximately 3,000 cubic yards of accumulated sediment material from a 400 foot by 110 foot area (1 acre) adjacent to the AML docking facility utilizing a barge-mounted clam shell bucket and crane. The proposed dredging would deepen the bottom contour of the area by approximately 2 feet. The dredged material would then be deposited onto a barge, transported to the proposed disposal area in Gastineau Channel, where the dredged material would be disposed of in-water at depths

greater than 20 fathoms (120 feet). The proposed disposal area has been previously utilized as an in-water disposal area for the disposal of dredged materials. It is estimated that the initial dredging and disposal operation would take approximately seven working days to complete.

b. The applicant is further proposing to conduct a maintenance dredging program that would allow the removal, if necessary, of up to an additional 3,000 cubic yards of accumulated sediment materials from the same 400 foot by 110 foot area over a 10 year time period. The proposed maintenance dredging would be conducted on an as-needed basis, depending upon the rate of sediment accumulation into the dredged area. The maintenance dredging and disposal would be conducted in the same manner and location as proposed in the initial dredging operation. It is estimated that the maintenance dredging and disposal operation would take approximately 7 working days to complete.

ADDITIONAL INFORMATION: For additional information about this proposed project, please contact the authorized agent, Mr. Tom Mortensen, Mr. Tom Mortensen, Post Office Box 113192, Anchorage, Alaska 99511-3192, telephone (907) 345-57898, FAX (907) 345-3575.

MITIGATION: None proposed.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification, as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify that the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Office of Project Management and Permitting, Department of Natural Resources has concurred with the applicant's certification.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Engineer at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between the Federal government and Federally recognized Tribes. This notice invites participation by agencies, Tribes, and members of the public in the Federal decision-making process. In addition, Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due

consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Engineer during the public comment period.

ENDANGERED SPECIES: The project area is within the historic range of the Humpback whale and the Stellar sea lion.

Preliminarily, the described activity would not affect threatened or endangered species, or modify their designated critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996, 16 U.S.C. et seq and associated Federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service.

We have determined that properly conditioned, the described activity within the proposed project areas would not adversely affect EFH, including anadromous fish and Federally managed fishery resources. A condition prohibiting the dredging and dredge materials disposal from March 15 to June 15, would be included in the permit, if issued, to protect migrating salmon species. An additional condition to protect marine mammals would prohibit the dredge materials disposal at any time a marine mammal is observed within 200 meters of the disposal area.

SPECIAL AREA DESIGNATION: None.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The outcome of the general balancing process would determine whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Mr. Garth Zimbelman at (907) 790-4490, or by email at garth.A.Zimbelman@poa02.usace.army.mil if further information is desired concerning this notice.

AUTHORITY: This permit will be issued or denied under the following authorities:

(X) Perform work in or affecting navigable waters of the United States - Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

A plan, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and Notice of Application for State Water Quality Certification are attached to this Public Notice.

District Engineer
U.S. Army, Corps of Engineers

Attachments

APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT
(33 CFR 325)

OMB APPROVAL NO. 0710-0003
Expires December 31, 2004

The Public burden for this collection of information is estimated to average 10 hours per response, although the majority of applications should require 5 hours or less. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Service Directorate of Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302; and to the Office of Management and Budget, Paperwork Reduction Project (0710-0003), Washington, DC 20503. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. Please **DO NOT RETURN** your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.

PRIVACY ACT STATEMENT

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research and Sanctuaries Act, 33 USC 1413, Section 103. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued.

One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO. <u>POH-2006-1979</u>	2. FIELD OFFICE CODE <u>GASTINEAU CHNL</u>	3. DATE RECEIVED <u>5 Dec 2006</u>	4. DATE APPLICATION COMPLETED
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(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME <u>Alaska Marine Lines, Inc.</u>	8. AUTHORIZED AGENT'S NAME AND TITLE (an agent is not required) <u>Tom Mortensen</u>
6. APPLICANT'S ADDRESS <u>100 Mount Roberts St</u> <u>Juneau, AK 99801</u>	7. AGENT'S ADDRESS <u>P.O. Box 113192</u> <u>Anchorage, AK 99511</u>
7. APPLICANT'S PHONE NOS. W/AREA CODE a. Residence b. Business <u>907-586-3790</u>	10. AGENT'S PHONE NOS. W/AREA CODE a. Residence b. Business <u>907-345-5789</u>

11. STATEMENT OF AUTHORIZATION

I hereby authorize Tom Mortensen to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

APPLICANT'S SIGNATURE

DATE

NAME, LOCATION AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE (see instructions)

13. NAME OF WATERBODY, IF KNOWN (if applicable)
Gastineau Channel

14. PROJECT STREET ADDRESS (if applicable)
100 Mount Roberts St
Juneau, AK 99801

15. LOCATION OF PROJECT

Juneau Alaska
STATE

16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions)

At the "Old AJ Mine" "Rock Dump"

17. DIRECTIONS TO THE SITE

Alaska Marine Lines POA-2006-1979-2
Gastineau Channel Sheet 1 of 9
12/05/06

18. Nature of Activity (Description of project, include all features)

The proposed initial dredging and 10-year maintenance dredging at an existing commercial marine cargo dock. The dredging will be done using a barge mounted clam-shell bucket and crane. The dredging operation will be done during the lowest tide elevation that is feasible within operational and safety limits. The proposed disposal method for the dredge material is by barge transport, then in-water disposal at depths greater than 20 fathoms within the waters of Gastineau Channel. The proposed disposal location is at N 58 16.4' W 134 22.0'

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

The purpose of the proposed project is to improve and maintain commercial marine navigation, and prevent the future grounding of docked marine vessels during low tides at the applicant's dock. The grounding of loaded vessels is at present a significant risk and hazard. Hence, the need for dredging to lower the bottom elevation of the docking area.

USE BLOCKS 20-22 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

The purpose of the discharge is for the disposal of the initial and maintenance dredge material. The proposed in-water disposal is the most cost-effective and fuel efficient method of disposal. Upland disposal will require the use of truck transport that is more costly, consumes more fuel, takes longer, and adds to the traffic congestion on the local public roads. In addition, there are limited upland disposal options in the local area. The dredge material is non-toxic and well-washed medium to coarse sands that will produce de minimus silt discharge and turbidity upon disposal. The sands are not suitable for use as a topping for the adjacent upland cargo handling yards operated by the applicant.

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards

The initial maintenance dredging volume is estimated at 3,000cy (total of areas A and B, see exhibits) from within the proposed 400' x 110' foot dredge area. The source of the dredge material is the slow tidal washing of the coarse to medium sands from the adjacent, and uphill, historic rock dump fill from the old AJ Mine. Because of the slow accumulation rate of the present dredge material, it is estimated that the total 10-year maintenance dredge volume will be an additional 3,000cy. The dredge material is non-toxic and well-washed medium to coarse sands that will produce de minimus silt discharge and turbidity upon disposal. The coarse to medium sands contain an estimated 2% or less silt material.

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

Dredge area: 400' x 110', or 44,000 square feet, or 1.0 acre.

Disposal area: approximately 1 acre.

23. Is Any Portion of the Work Already Complete? Yes _____ No ☒ IF YES, DESCRIBE THE COMPLETED WORK

24. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list).

25. List of Other Certifications or Approvals/Denials Received from other Federal, State, or Local Agencies for Work Described in This Application

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED

*Would include but is not restricted to zoning, building and flood plain permits

26. Application is hereby made for a permit or permits to authorize the work described in this application. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

SIGNATURE OF APPLICANT

DATE

SIGNATURE OF AGENT

DATE

The application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned

TOM MORTENSEN ASSOCIATES

ENVIRONMENTAL PERMITTING & MANAGEMENT

P.O. BOX 113192 ANCHORAGE, ALASKA 99511-3192 • TEL (907) 345-5789 • FAX (907) 345-3575

RECEIVED

DEC 05 2006

CENPA - CO - R - E - JFO
Alaska District Corps of Engineers

November 30, 2006

Juneau Regulatory Field Office
U.S. Army Corps of Engineers,
8800 Glacier Highway, Suite 106
Juneau, AK 99801-8079

Attn.: Mr. John Leeds,
Field Office Manager

Re: Gastineau Channel. Proposed Dredging at an existing commercial marine cargo dock at Juneau, Alaska. Applicant: Alaska Marine Lines, Inc. T41S R76E, Sec. 25 and 31, CRM.

Dear Mr. Leeds:

As the authorized agent for Alaska Marine Lines, Inc, Tom Mortensen Associates is submitting this application for a DA permit for the proposed initial dredging, 10-year maintenance dredging, and in-water disposal dredge material of within the navigable waters of Gastineau Channel at Juneau, Alaska.

Proposed Activity

The proposed activity if the initial dredging and 10-year maintenance dredging at an existing commercial marine cargo dock. The dredging will be done using a barge mounted clam-shell bucket and crane. The dredging operation will be performed during the lowest tide elevation that is feasible within operational and safety limits. The proposed disposal method for the dredge material is by barge transport, then in-water disposal at depths greater than 20 fathoms within the waters of Gastineau Channel.

Dredge area dimensions and area are: 400' x 110', or 44,000 square feet, or 1.0 acre. The proposed disposal location is at N 58 16.4' W 134 22.0'

Project Purpose

The purpose of the discharge is for the disposal of the initial and maintenance dredge material. The proposed in-water disposal is the most cost-effective and fuel efficient method of disposal. Upland disposal will require the use of truck transport that is more costly, consumes more fuel, takes longer, and adds to the traffic congestion on the local public roads. In addition, there are limited upland disposal options in the local area. The dredge

material is non-toxic and well-washed medium to coarse sands that will produce de minimus silt discharge and turbidity upon disposal. The sands are not suitable for use as a topping for the adjacent upland cargo handling yards operated by the applicant.

The purpose of the proposed project is to improve and maintain commercial marine navigation, and to prevent the future grounding of docked marine vessels during low tides at the applicant's dock. The grounding of loaded vessels is at present a significant risk and hazard, hence, the need for dredging to lower the bottom elevation of the docking area.

Types of Material Being Discharged

The initial maintenance dredging volume is estimated at 3,000cy (total of areas A and B, see exhibits) from within the proposed 400' x 110' foot dredge area. The source of the dredge material is the slow tidal washing of the coarse to medium sands from the adjacent, and uphill, historic rock dump fill from the old AJ Mine. Because of the slow accumulation rate of the present dredge material, it is estimated that the total 10-year maintenance dredge volume will be an additional 3,000cy. The dredge material is non-toxic and well-washed medium to coarse sands that will produce de minimus silt discharge and turbidity upon disposal. The coarse to medium sands contain an estimated 2% or less silt material.

The proposed activities are shown on the attached drawings.

If you have any questions or require any additional information, please contact me at 907-345-5789, or at tom@mortensen.com.

Sincerely,


Thomas W. Mortensen
Principal

cc: Don Reid, AML

PROPOSED PROJECT: Initial and maintenance dredging at existing commercial marine cargo dock. In-water dredge disposal.

PROJECT PURPOSE: Improve and maintain navigation, and prevent grounding of docked marine vessels at low tides.

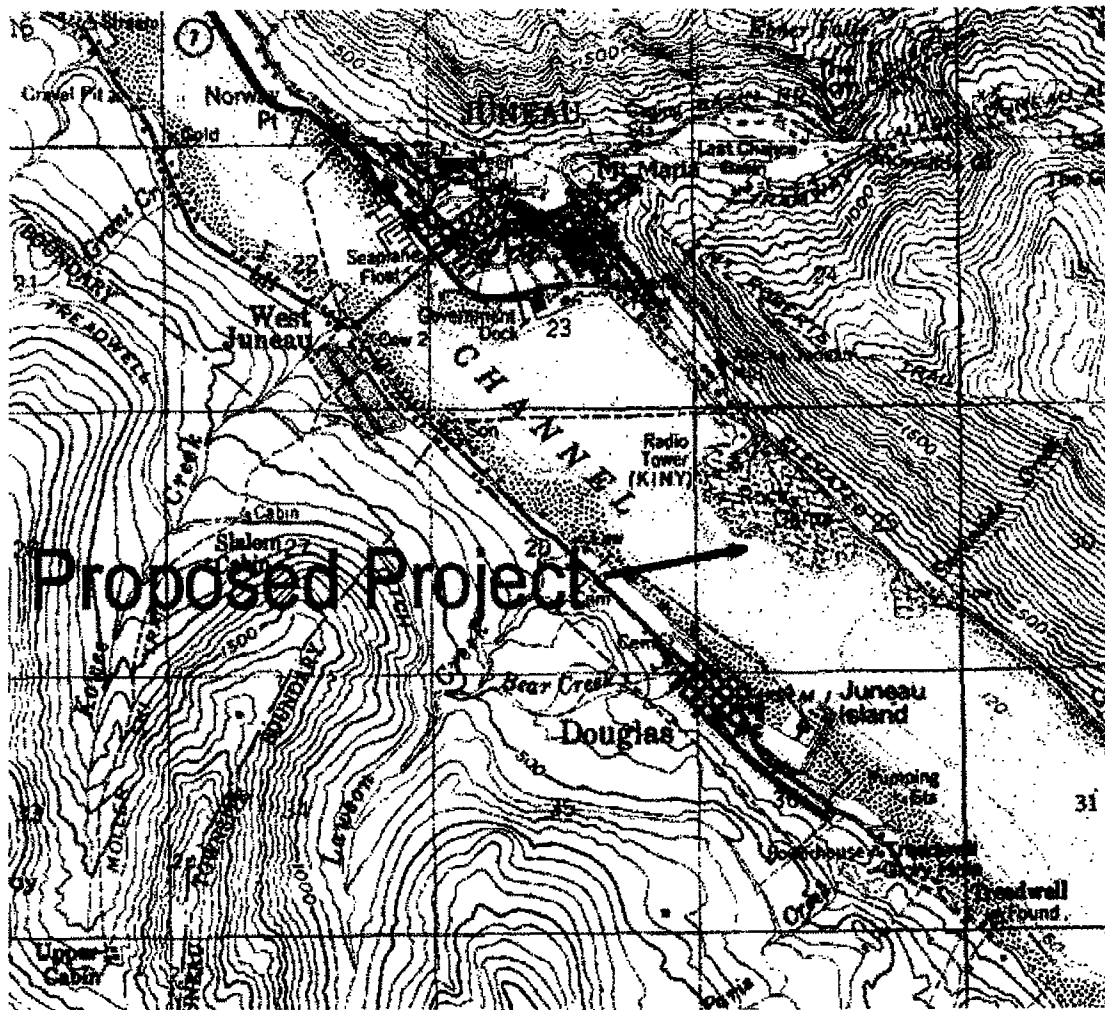
LOCATION: Gastineau Channel, Juneau, Alaska. T41S R67E, Sec. 25, 31. CRM.

APPLICANT: Alaska Marine Lines, Inc.

DATE: October 2006.

SHEET: 1 of 5.

EXHIBIT 2



LOCATION MAP

PROPOSED PROJECT: Initial and maintenance dredging at existing commercial marine cargo dock. In-water dredge disposal.

PROJECT PURPOSE: Improve and maintain navigation, and prevent grounding of docked marine vessels at low tides.

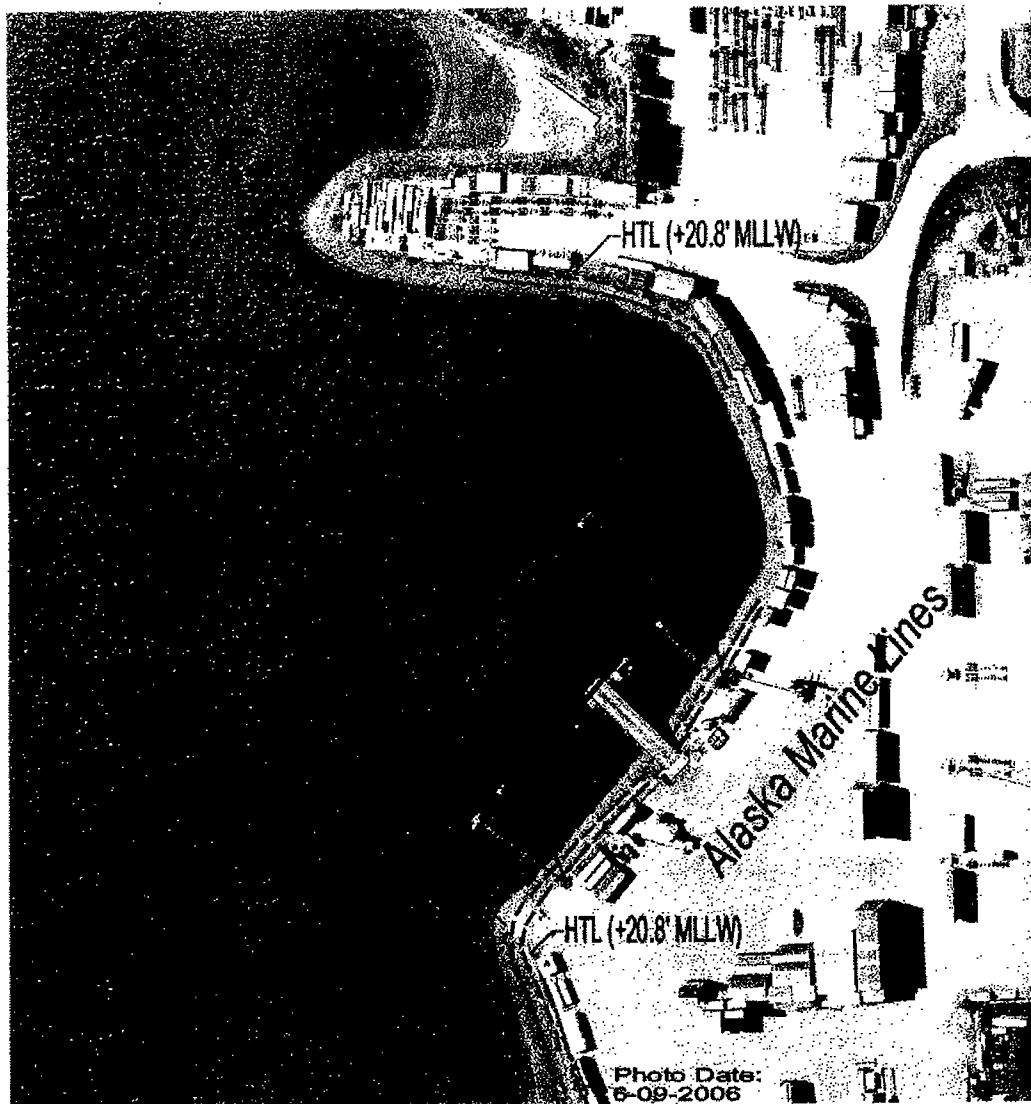
LOCATION: Gastineau Channel, Juneau, Alaska. T41S R67E, Sec. 25, 31. CRM.

APPLICANT: Alaska Marine Lines, Inc.

DATE: October 2006.

SHEET: 2 of 5.

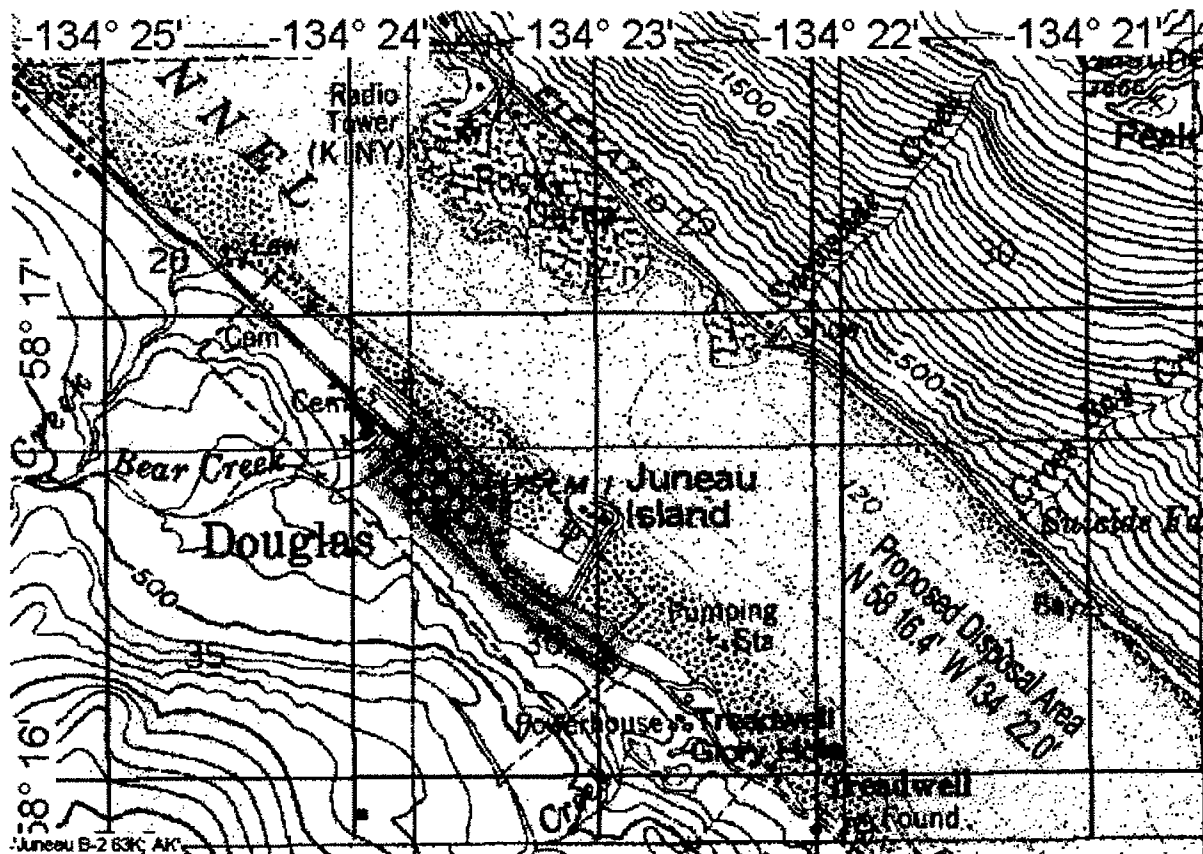
EXHIBIT 3



PLAN VIEW

PROPOSED PROJECT:	Initial and maintenance dredging at existing commercial marine cargo dock. In-water dredge disposal.
PROJECT PURPOSE:	Improve and maintain navigation, and prevent grounding of docked marine vessels at low tides.
LOCATION:	Gastineau Channel, Juneau, Alaska. T41S R67E, Sec. 25, 31. CRM.
APPLICANT:	Alaska Marine Lines, Inc.
DATE:	October 2006.
SHEET:	3 of 5.

EXHIBIT 4



PLAN VIEW DREDGE DISPOSAL AREA N 58 16.4' W 134 22.0'

PROPOSED PROJECT: Initial and maintenance dredging at existing commercial marine cargo dock. In-water dredge disposal.

PROJECT PURPOSE: Improve and maintain navigation, and prevent grounding of docked marine vessels at low tides.

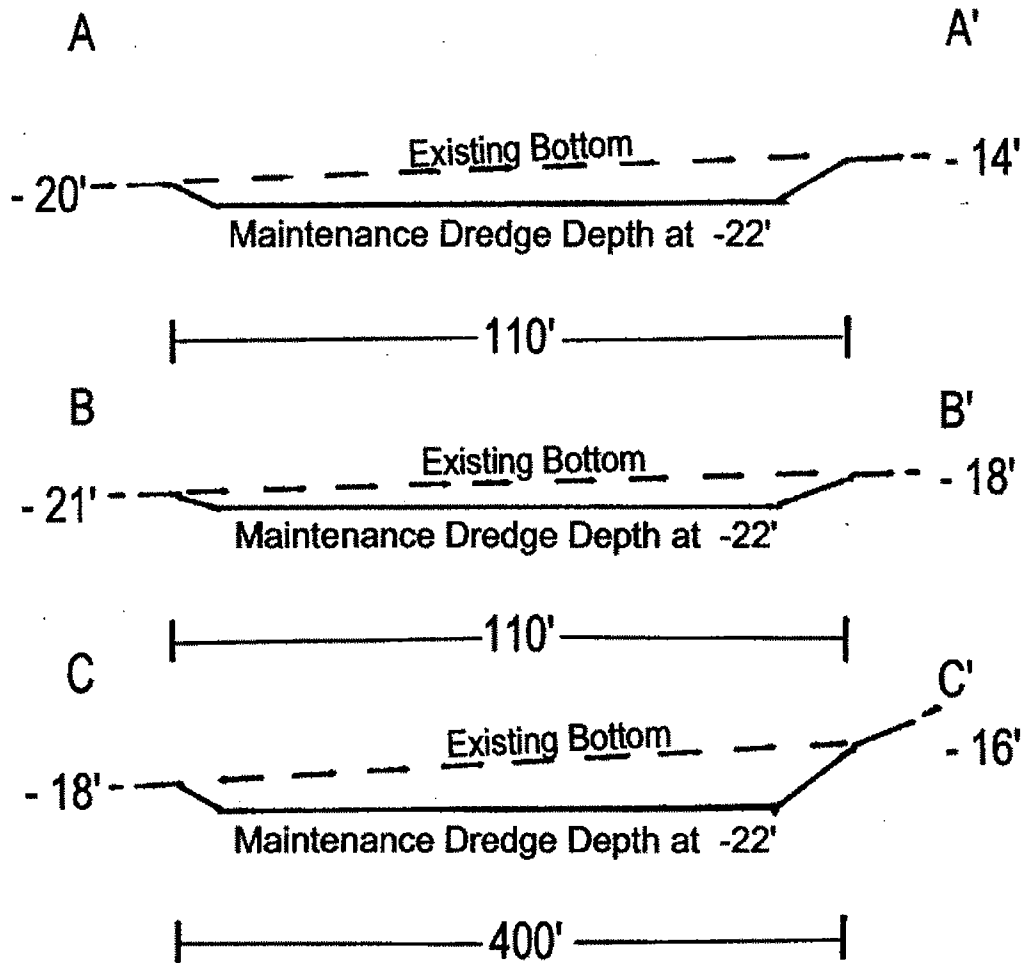
LOCATION: Gastineau Channel, Juneau, Alaska. T41S R67E, Sec. 25, 31. CRM.

APPLICANT: Alaska Marine Lines, Inc.

DATE: October 2006.

SHEET: 4 of 5.

EXHIBIT 5



SECTIONS (NTS)

PROPOSED PROJECT: Initial and maintenance dredging at existing commercial marine cargo dock. In-water dredge disposal.
PROJECT PURPOSE: Improve and maintain navigation, and prevent grounding of docked marine vessels at low tides.
LOCATION: Gastineau Channel, Juneau, Alaska. T41S R67E, Sec. 25, 31. CRM.
APPLICANT: Alaska Marine Lines, Inc.
DATE: October 2006.
SHEET: 5 of 5.

STATE OF ALASKA

OFFICE OF THE GOVERNOR

DEPARTMENT OF NATURAL RESOURCES OFFICE OF PROJECT MANAGEMENT AND PERMITTING

OFFICE OF PROJECT MANAGEMENT AND PERMITTING
302 GOLD STREET, SUITE 202
JUNEAU, ALASKA 99801-1127
PHONE: (907) 465-3562/FAX: (907) 465-3075

NOTICE OF APPLICATION FOR CERTIFICATION OF CONSISTENCY WITH THE ALASKA COASTAL MANAGEMENT PROGRAM

Notice is hereby given that a request is being filed with the Office of Project Management and Permitting for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No. POA-2006-1979-2, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

This project is being reviewed for consistency with the Alaska Coastal Management Program. Written comments about the consistency of the project with the applicable ACMP statewide standards and district policies must be submitted to the Office of Project Management and Permitting. For information about this consistency review, contact OPMP at (907) 269-7470 or (907) 465-3562, or visit the ACMP web site at <http://www.gov.state.ak.us/gdc/Projects/projects.html>.

STATE OF ALASKA

OFFICE OF THE GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

DIVISION OF WATER

401 Certification Program

Non-Point Source Water Pollution Control Program

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. POA-2006-1979-2, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify that there is reasonable assurance that the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments within 30 days of the date of the Corps of Engineer's Public Notice to:

Department of Environmental Conservation
WQM/401 Certification
410 Willoughby Avenue
Juneau, Alaska 99801-1795
Telephone: (907) 465-5321
FAX: (907) 465-5274

Attachment 2